

SENT BY:

0000000000;

SEP-12-05 4:14;

SEP PAGE 1 2005

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEUnder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

17

Application Number

09/942,664

Filing Date

8/31/2001

First Named Inventor

Leon Li - Feng Jiang

Art Unit

2633

Examiner Name

Bello, Agustin

SENIII

ENCLOSURES (Check all that apply)

- Fee Transmittal Form
 Fee Attached
 Amendment/Reply
 After Final
 Affidavits/declaration(s)
 Extension of Time Request
 Express Abandonment Request
 Information Disclosure Statement
 Certified Copy of Priority Document(s)
 Response to Missing Parts/Incomplete Application
 Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation
 Change of Correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____

Remarks

- After Allowance communication to Group
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Other Enclosure(s) (please identify below):

RECEIVED
OIPE/IAP

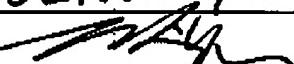
SEP 19 2005

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Wenli Yu / LightRail Networks, Inc.
Signature	
Date	9/12/05

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	WENLI YU
Signature	
Date	9/12/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

SENT BY:

0000000000;

SEP-12-05 4:15;

PAGE **RECEIVED**
CENTRAL FAX CENTER



LightRail Networks, Inc.
1395 Piccard Dr., Suite 115
Rockville, MD 20850, USA
Tel: 1- (240) 631-2378
Fax: 1-(240) 631-2379
www.lightrailnetworks.com

SEP 12 2005

September 12, 2005

REF: Application No. 09/942,664

Mr. Agustin Bello, Patent Examiner
US Patent and Trademark Office
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Mr. Bello:

This letter is in responding to the Notice of Abandonment dated 05/26/05 regarding Application Number 09/942,664. We are requesting USPTO to re-exam and reconsider the decision because the stated reasons were incorrect based on the facts and our records. In fact, we responded the USPTO's office action of March 10, 2004 on August 9, 2004 which was a day earlier than the dead line of August 10, 2004.

I am enclosing copies of the fax record page along with the responses submitted to USPTO on 08/09/04 by our patent attorney Margaret Burke. These records were submitted second time per your request on 09/02/04 as evidence of on-time respond to the office action after your call. As she explained to you in her fax dated September 3, 2004, the Application Number was in error in the original submittal, the \$210 fee may had been applied to the wrong application 09/942,662.

I hope USPTO will reverse its decision based on the evidence and records provided here. Please feel free to contact me at 301-370-0496 if you need any additional information. I appreciate you time and thank you for your attention in this matter, as you would understand that every patent application is important to our future business well being.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Wenli Yu".

Wenli Yu
President

Notice of Abandonment

Application No.	Applicant(s)
09/942,664	JIANG ET AL.
Examiner	Art Unit
Agustin Bello	2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 10 March 2004.
 (a) A reply was received on 02 September 2004 (with a Certificate of Mailing or Transmission dated 02 September 2004), which is after the expiration of the period for reply (including a total extension of time of 2 month(s)) which expired on 02 August 2004.
 (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
 The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

See Continuation Sheet



AGUSTIN BELLO
PATENT EXAMINER
05/26/05

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

SENT BY:

;

0000000000;

SEP-12-05 4:15;

PAGE 4

Continuation Sheet (PTOL-1432)

Application No. 09/942,864

Item 7 - Other reasons for holding abandonment: A non-final office action was mailed on 3/10/04 with a 3-month shortened statutory period for reply which expired 6/10/04. The applicant filed a response on 9/2/04 and requested a 2-month extension of time beyond shortened statutory period for reply which would have been 8/10/04. Since the new deadline for reply including the two month extension was 8/10/04 and the reply was received on 9/2/04, the applicant has failed to timely file a proper reply to the office action mailed 3/10/04. Furthermore, the applicant requested that all fees be charged to a credit card, but failed to provide the required PTO-2038 including the relevant credit card information, thereby preventing the payment of fees.

BEST AVAILABLE

SENT BY:

04-9-3; 9:47 ; TAIYO, NAKAJIMA & KATO

0000000000;

SEP-12-05 4:15;
0333555574

PAGE 5

8 17 13

RECEIVED
CENTRAL FAX CENTER

SEP 12 2005

TAIYO, NAKAJIMA & KATO
INTELLECTUAL PROPERTY LAW

Seventh Floor, HK-Shinjuku Bldg., 3-17 Shinjuku 4-chome,
Shinjuku-ku, Tokyo 160-0022 JAPAN

Telephone: +81 3 3357-6277 E-mail: mail@taiyo-nk.co.jp
Facsimile: +81 3 3355-5674

FACSIMILE COVER SHEET

Number of pages (including cover sheet): 13 Date: September 3, 2004

To: Examiner Bello Art Unit 2633

Firm: USPTO

From: Margaret Burke

Your Reference: 09/942,664 Our Reference: SEN111

Message:

Dear Examiner Bello:

I sincerely apologize for your not receiving our response. Apparently, I typed the last number of the serial number incorrectly. On the copy that I am faxing to you I have corrected the error. The PTO charged my credit card \$210 on August 10th although it was probably applied to the incorrect serial number.

The fax receipt is in Japanese as I am currently working in Tokyo but I have had translated the relevant parts. Once again, I am very sorry to have caused you this difficulty.


Margaret Burke

If there are any problems with this transmission, please let us know immediately.
If you have received this transmission in error, please return it to us
and we will reimburse you for your expenses.

SENT BY:

0000000000;

SEP-12-05 4:16;

PAGE 6

エニターレポート

"MONITOR
REPORT"

机型
G3-1D
G4-1D
回数名
発行元名

04-8-9:11:38
0332550430
タイヨウコクワイトンキヨシムシコ
TAIYO, NAKAJIMAANDKATO

原稿は、送信完了しました。

原稿サイズ A4縦

TAIYO, NAKAJIMA & KATO
INTELLECTUAL PROPERTY LAW

Second Floor, HIG-Hanjuku Bldg, 3-17 Shinjuku 4-chome,
Shinjuku-ku, Tokyo 160-0022 JAPAN
Telephone +8133357-6277 E-mail mail@taiyo-ip.com
Facsimile +8133355-6674

FACSIMILE COVER SHEET

Number of pages (including cover sheet): 13 Date August 9, 2004
 To: USPTO
 Time: 10:30
 From: Mitsuru Burke
 Your Reference: 090607-007 Our Reference: SHINPA
 Message:
 RESPONSE TO OFFICE ACTION

If there are any problems with this transmission, please let us know immediately.
 If you have received this transmission in error, please return it to us
 and we will reimburse you for your expenses.

原稿枚数 : 13枚
 送信枚数 : 13枚

"PAGES"

"SENDING RESULT"

No	文書番号	回数	回路時間	所要時間	ページ数	モード	通信内容	送信結果
1	0107	00101017038729806	8-8:11:32	3分28秒	13 / 13	ECM		成功

NOTE : ECM-エラーコレクションモード

"SUCCESSFUL"

BEST AVAILABLE COPY

SENT BY:

;

0000000000;

SEP-12-05 4:16; CENTRAL FAX CENTER PAGE 7

SEP 12 2005

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Total Number of Pages In This Submission

Application Number	08/942,044 <i>MGB</i>
Filing Date	August 31, 2001
First Named Inventor	Jiang et al.
Art Unit	2633
Examiner Name	Agustin Bello
Attorney Docket Number	SEN111

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<i>CHANGE IN CORRESPONDENCE ADDRESS</i>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MARGARET A. BURKE		
Signature	<i>Margaret A. Burke</i>		
Date	AUGUST 9, 2004		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	MARGARET A. BURKE		
Signature	<i>Margaret A. Burke</i>	Date	AUGUST 9, 2004

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

SENT BY:

0000000000;

SEP-12-05 4:16:

RECEIVED

CENTRAL FAX CENTER

SEP 12 2005

PTO/6B/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0932
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 210.00)

Complete If Known

Application Number	SEN111 09/942,662 4
Filing Date	AUGUST 31, 2001
First Named Inventor	Jiang
Examiner Name	Agustin Bello
Art Unit	2633
Attorney Docket No.	SEN111

METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)				
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number: _____ Deposit Account Name: _____					3. ADDITIONAL FEES Large Entity Small Entity Fee Fee Fee Fee Description Fee Paid Code (S) Code (S) Code (S) Code (S)				
The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.					1051 130 2051 65 Surcharge - late filing fee or oath 1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet 1053 130 1053 130 Non-English specification 1812 2,520 1812 2,520 For filing a request for ex parte reexamination 1804 920* 1804 920* Requesting publication of SIR prior to Examiner action 1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action 1291 110 2251 55 Extension for reply within first month 1292 420 2252 210 Extension for reply within second month 1293 950 2253 475 Extension for reply within third month 1294 1,480 2254 740 Extension for reply within fourth month 1295 2,010 2255 1,005 Extension for reply within fifth month 1401 330 2401 165 Notice of Appeal 1402 330 2402 165 Filing a brief in support of an appeal 1403 280 2403 145 Request for oral hearing 1451 1,510 1451 1,510 Petition to institute a public use proceeding 1452 110 2452 55 Petition to revive - unavoidable 1453 1,330 2453 665 Petition to revive - unintentional 1501 1,330 2501 665 Utility issue fee (or reissue) 1502 460 2502 240 Design issue fee 1503 840 2503 320 Plant issue fee 1460 130 1460 130 Petitions to the Commissioner 1807 50 1807 50 Processing fee under 37 CFR 1.17(a) 1806 160 1806 160 Submission of Information Disclosure Stmt 8021 40 8021 40 Recording each patent assignment per property (times number of properties) 1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a)) 1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b)) 1801 770 2801 385 Request for Continued Examination (RCE) 1802 900 1802 900 Request for expedited examination of a design application				
1. BASIC FILING FEE Large Entity Small Entity Fee Fee Fee Fee Description Fee Paid Code (S) Code (S) Code (S) Code (S)					210.00				
1001 770 2001 365 Utility filing fee 1002 340 2002 170 Design filing fee 1003 530 2003 265 Plant filing fee 1004 770 2004 385 Reissue filing fee 1005 160 2005 80 Provisional filing fee					SUBTOTAL (1) (\$)				
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Total Claims Extra Claims Fee from Fee Paid Independent -20" = X = Claims -3" = X = Multiple Dependent X =					Fee Description Fee Paid				
Large Entity Small Entity Fee Fee Fee Fee Description Code (S) Code (S) Code (S) Code (S)					Other fee (specify) _____ *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 210.00)				
SUBMITTED BY _____ (Complete if applicable) Name (print/type) Margaret A. Burke Registration No. 34,474 Telephone 240 631 2378 Signature _____ Date August 9, 2004									

WARNING! Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY